

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Private Aided Colleges – Sri K. Sivarama Krishnaiah, Lecturer in Physics (on leave), KVR College, Nandigama, Krishna District for permission to re-join duty – Orders – Issued.

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HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 767

Dated:19-10-2011.

Read the following:-

1. From the individual representation dt.2.3.2010, addressed to the Hon'ble M (HE), received with Endt.No.124/10.
2. Govt.Memo.No.2947/CE.II-1/2010-1, dated 12-3-2010.
3. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.196/Admn.I-1/2010, dated 7-12-2010.
4. Representation of Sri K.Sivarama Krishnaiah, Lecturer in Physics, dated 20-12-2010 and dated -02-2011.

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**O R D E R:-**

Sri K.Sivarama Krishnaiah, Lecturer in Physics, KVR College, Nandigama (On leave) in his representation 1<sup>st</sup> read above has represented that he has been working as Lecturer in KVR College from November, 1975. He went on leave (loss of Pay) from June, 1998 due to ill health. When he requested the management of the college to take him back to service. But, the management directed him to get orders from the Government for the same. He has requested to issue necessary orders to enable him to join duty in the college.

2. The Commissioner of Collegiate Education, A.P., Hyderabad, in his letter 3<sup>rd</sup> read above while explain the circumstances of the case has stated that as per G.O.Ms.No.260 G.A. (Ser.C) Dept., dated 4-09-2003 orders were issued directing that in all cases of un-authorized absence to duty for a continues period exceeding one year, the penalty of removal from service shall be imposed on the Government employee, after duly following the procedure laid down in the A.P. Civil Services (CCA) Rules, 1991. Further in G.O.Ms.No.128 Fin. (FR.1) Dept., dated 01-06-2007 and G.O.Ms.No.129 Finance (FR.I) Dept., dated 1-6-2007, the Government have issued amendments to Rule 18 of F.R.s and Rule 5-A of A.P. Leave Rule, 1933.

“ A Government servant shall be deemed to have resigned from the service if he---

- a) is absent without authorization for a period of exceeding one year or
- b) remains absent from duty for a continuous period of exceeding five years, with or without leave, or
- c) continues on foreign service beyond the period approved by the state Government”

In the instant case, Sri K. Sivarama Krishnaiah, Lecturer in Physics went on leave submitting leave applications from 29-06-1998 to 31-03-2001. Even for this period the management did not sanction leave. Therefore, he is said to be on un-authorized absence from duty with effect from 29-06-1998. His un-authorized absence from duty even for Five (5) years elapsed long ago by 28-06-2003 and he is liable for punishment of removal from service as per the above mentioned G.Os. As he belongs to a Private Aided College, the management of the college is competent to take necessary disciplinary action against him under Section 79 of chapter IV of the A.P. Education Act, 1982. The Commissioner of Collegiate Education, A.P., Hyderabad therefore requested the Govt., to issue suitable orders for taking further action in the matter.

P.T.O.

**3.** After careful examination of the matter, it is observed that:-

- (i) According to the A.P. Education Act, the Secretary & Correspondent of the college is appointing authority to take necessary disciplinary action for his un-authorized absence beyond 5 years. The management has failed to take action against the individual.
- (ii) The competent authority is C.C.E., A.P., Hyderabad and should have directed the management to take disciplinary action against the individual when he reposted to duty during June, 2003 itself. There is lapse on the part of the management and C.C.E.
- (iii) Now the individual has requested the Government to treat the period of absence from 29<sup>th</sup> June, 1998 till date of joining as "Leave deem fit" and issue necessary orders in the matter.
- (iv) The individual has put in nearly 17 years of grant-in-aid up to the period of leave i.e., from 01-06-1981 to 29-6-1998.

**4.** Further as per Cir.Memo.No.C-1902-4/8/FR.I/91 (FR.I), dt.25-12-1991 "if a member of service remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of the disciplinary action for unauthorized absence, in case such action has already not been initiated against him and in all such cases the period of unauthorized absence has to be treated as 'dies-non' in accordance with the Notes-I under FR.18 and Rules 5-A of the A.P. Leave Rules 1933.

**5.** After careful examination of the entire matter, the Government hereby directed the Secretary & Correspondent, K.V.R. College, Nandigama, Krishna District (who is the appointing authority) and Director of Collegiate Education to initiate disciplinary action against Dr. K.Sivarama Krishnaiah, Lecturer in Physics, as per the provisions of the A.P. Education Act, 1982/Rules issued thereunder from time to time . Further, the management is permitted to admit the individual to duty, pending disciplinary action against him, since there is a lapse on the part of Management and Commissioner of Collegiate Education.

**6.** The Director of Collegiate Education, A.P., Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO,  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To  
The Director of Collegiate Education, A.P., Hyderabad.  
The Secretary & Correspondent, K.V.R. College, Nandigama, Krishna District.  
The individual "thro" D.C.E., A.P., Hyderabad.

Copy to:

P.S. to Spl. Secy to C.M.  
P.S. to Prl. Secy (HE) (FAC)  
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.